UNITED STATES OF AMERICA
NATIONAL TRANSPORTATION SAFETY BOARD
WASHINGTON, D.C.

Adopted by the NATIONAL TRANSPORTATION SAFETY BOARD
at its office in Washington, D.C.
on the 4th day of November, 1993

DAVID R. HINSON,
Administrator,
Federal Aviation Administration,

        Complainant,

        v.

KENNETH W. McNEIL,

        Respondent.

Docket SE-13185

ORDER DISMISSING APPEAL

On August 9, 1993, the respondent filed a notice of appeal from the Order Granting Administrator's Motion to Dismiss Appeal as Untimely and Terminating Proceeding served by Administrative Law Judge William E. Fowler, Jr. on July 26, 1993.[1] However, the respondent has failed to file an appeal brief and, therefore, his

---

[1] The law judge dismissed as untimely respondent's appeal from an order of the Administrator suspending respondent's airline transport pilot certificate for 30 days for his alleged violation of § 91.123(a) of the Federal Aviation Regulations.

appeal is subject to dismissal under section 821.48(a)[2] of the Board's Rules of Practice.[3] 49 CFR 821.

ACCORDINGLY, IT IS ORDERED THAT:

The respondent's appeal is dismissed.

VOGT, Chairman, COUGHLIN, Vice Chairman, LAUBER, HAMMERSCHMIDT, and HALL, Members of the Board, concurred in the above order.

---

[2]Section 821.48(a) provides as follows:

"§ 821.48 Briefs and oral argument.

(a) Appeal briefs. Each appeal must be perfected within 50 days after an oral initial decision has been rendered, or 30 days after service of a written initial decision, by filing with the Board and serving on the other party a brief in support of the appeal. Appeals may be dismissed by the Board on its own initiative or on motion of the other party, in cases where a party who has filed a notice of appeal fails to perfect his appeal by filing a timely brief."

[3]It also appears that the respondent's August 9 notice of appeal to the Board was filed late. See Section 821.47, which requires that a notice of appeal be filed within 10 days after service of a written decision.